

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALTON WILSON,

Defendant.

3:07-CR-30-BES-RAM

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Defendant DALTON WILSON was tried before this Court, without a jury, after being charged in a Superseding Information with Unauthorized Occupancy of Public Lands, in violation of 43 C.F.R. § 2920.1-2, and 9261-1, for Grazing Livestock Without a Permit or Lease, in violation of 43 C.F.R. § 4140.1(b)(1)(i).

The trial commenced and concluded on May 6, 2008. Thereafter, the parties submitted to the Court their proposed findings of fact and conclusions of law. After a review of the evidentiary record, the Court now enters the following Findings of Fact and renders its Conclusions of Law to find Defendant NOT GUILTY of the charges contained in the Superseding Information.

**I. FINDINGS OF FACT**

1. On or about November 23, 2005, Bureau of Land Management ("BLM") Agent Brian Richards personally served Defendant with written notices for trespass and unlawful grazing of livestock on a parcel of land described as the N 1/2 of the SW 1/4 of Section 12, Township 22 N., Range 47 East, Mount Diablo Meridian in Lander County, Nevada (hereinafter the "Property"). These notices directed the Defendant to remove his

1 personal property and livestock from the Property within 14 days.

2 2. On June 1, 2006, Agent Richards returned to the Property and observed that  
3 Defendant was still residing on the Property along with his personal property and  
4 livestock (horses).

5 3. The United States claims that the Property is public land that is managed by the BLM.

6 4. The United States has never issued a patent conveying the Property from federal  
7 ownership to private ownership.

8 5. The Defendant has not established any lawful proprietary or possessory interest in the  
9 Property.

10 6. On May 5, 2008, a third party, the County of Lander, a political subdivision of the State  
11 of Nevada, filed a Complaint for Declaratory Judgment against the United States of  
12 America, the Department of the Interior, BLM, and the Department of Justice, Case No.  
13 3:08-cv-00235-BES-RAM, wherein Lander County challenges, among other issues, the  
14 validity of a quitclaim deed transferring the Property from Lander County to the BLM  
15 and that the quitclaim deed is void *ab initio*.

16 7. On or about June 1, 2006, the Defendant knowingly and willfully occupied the Property.

17 8. The Defendant's occupancy of the Property did not involve casual use.

18 9. The Defendant was not authorized by the United States or any other third party to  
19 occupy the Property.

20 10. On or about June 1, 2006, the Defendant knowingly and willfully allowed livestock to  
21 graze upon the Property.

22 11. On or about June 1, 2006, the Defendant did not have a permit or a lease or other  
23 authorization that would allow him to graze livestock on the Property.

24 12. As of May 2, 2008, Defendant continued to occupy the Property.

## 25 II. CONCLUSIONS OF LAW

### 26 A. Counts One and Two

27 The Court finds, consistent with its factual findings and its evaluation of the credibility  
28 of the witnesses and the evidence admitted at trial, that the Government has not established

1 beyond a reasonable doubt that the Property is public land because title to the Property is in  
2 question and has been challenged by a third party, namely Lander County, a political  
3 subdivision of the State of Nevada, in a separate action brought before this Court.

4 **III. CONCLUSION**

5 For the foregoing reasons, the Court finds Defendant Dalton Wilson NOT GUILTY on  
6 Counts One and Two of the charges contained in the Superseding Information.

7 It is further ordered that Defendant's Motion to Strike (#41) filed on May 19, 2008, is  
8 DENIED.

9 IT IS SO ORDERED this 28<sup>TH</sup> day of May, 2008.

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13 BRIAN SANDOVAL  
14 United States District Judge  
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